

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Laurie Ortolano,)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:22-cv-00326-LM
)	
The City of Nashua, <i>et al.</i> ,)	
Defendants.)	
_____)	

SUPPLEMENTAL DECLARATION OF DONA FEENEY, ESQ.

I, Dona Feeney, Esq., make this Declaration, under the authority of 28 U.S.C. 1746, and state as follows:

1. I am counsel for the Defendant Kimberly Kleiner in the within matter.
2. I make this Declaration based upon my own personal knowledge or based upon review of documents relating to this case and in support of the Kimberly Kleiner's Reply to Plaintiff's Objection (Doc 102) to Kleiner's Motion for Summary Judgment (Doc 86).
3. Attached as Exhibit C is a true and accurate copy of the 10/15/19 Nashua Police Department Report produced by the City in discovery as Bates NPD-LO-240—245, and which was marked as Exhibit 12 at the deposition of Kimberly Kleiner on 5/9/24.

I declare under the pains and penalties of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

Dated: July 9, 2024

By: /s/ Dona Feeney
Dona Feeney

Nashua Police Department

2019-10-15 1000HRS CONTACT W/ ATTORNEY PETER ROTH
Ref: 19-46336-OF

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Kleiner Exhibit

On October 31, 2019 at approximately 0916 hours Detective Lieutenant Mederos informed me that the Nashua Assessing Department had received information of someone possibly impersonating a Nashua Assessing Department Assessor. Upon being informed of this information I contacted the Director of Administrative Services at Nashua City Hall, Kimberly Kleiner (DOB: [REDACTED]).

In speaking with Kleiner she explained that residential assessor, Gary Turgiss (DOB: [REDACTED]) had responded to 4 Coventry Road the previous day to conduct an assessment of that property as it had recently been sold on July 30, 2019. Kleiner said that when Gary was speaking with the property owner they informed him of a female that had previously been at his residence in September of that year. The property owner said the female claimed to be working for the Nashua Assessing Department and had been taking pictures of his residence. Kleiner said that the description the resident provided Gary of this female matched that of Nashua resident, Laurie Ortolano (DOB: [REDACTED]).

When asked, Kleiner stated that Ortolano had not previously requested a property card or any information for 4 Coventry Road. Kleiner advised that she was unaware of any connection 4 Coventry Road to could have to the concerns Ortolano had previously raised with the Assessing Department. Kleiner said that Gary was not a work that day however she provided me with the name of the resident from 4 Coventry Road, which was Gary Grant (DOB: [REDACTED]).

Shortly after speaking with Kleiner I made contact with Grant via telephone. In speaking with Grant he agreed to respond to the Nashua Police Department to provide me with a statement in reference to this incident as well as provide me with screen shots of the vehicle this female had been driving during this incident, which he described as a white sedan.

DETECTIVE LOMBARDI D16

EXHIBIT 12
WIT: Kleiner
DATE: 5/9/24
Cynthia Foster, RPR, LCR

NPD-LO-240

Nashua Police Department

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2019-10-17 1142HRS CONTACT W/ ATTORNEY STEVE BOLTON

Ref: 19-46336-OF

On October 31, 2019 at approximately 1140 hours I responded to the front lobby of the Nashua Police Department where I made contact with Gary Grant (DOB: [REDACTED]). After being signed in as a visitor Grant was escorted upstairs to CID interview room #1. Once in the interview room Grant was provided with a Nashua Police Department Victim/Witness Background Sheet, which he completed. Copies of this form were later added to this case file for case inclusion.

At approximately 1151 hours I started audio and video recording my conversation with Grant. I began our conversation by confirming Grant was aware our conversation was being audio and video recorded. I further confirmed that he was providing a statement voluntarily and that he was currently not under the influence of any drugs or alcohol.

In speaking with Grant he explained that on September 19, 2019 at approximately 0830 hours he looked out the bathroom window of his residence, located at 4 Coventry Road and observed a female in a newer four door white sedan traveling very slowly down his street while looking at his residence. Grant said that due to recent issues he had with his ex he took notice of this vehicle.

Grant said the vehicle came to a stop in front of his residence and the female occupant began taking photographs of Grant's residence with her cell phone, while still seated in her vehicle. Grant said that he opened his window and asked the female what she was doing. Grant said the female told him that she was assessing his property and that she worked for a real estate agency but did not state which agency she worked for. Grant said he attempted to go outside to talk with this female but she drove away before he could get outside.

Grant described the vehicle as a newer white four door sedan. Grant described the female as white with short blond hair in her forties or fifties with a heavier set face and said she was wearing glasses. Grant further stated that there was really nothing distinct about the female. Grant said that he had never seen this female before nor has he seen her since that day.

Grant said that shortly after this incident occurred he reached out to his neighbor William MacDonald (DOB: [REDACTED]) of 6 Coventry Road because his neighbor had exterior surveillance cameras. Grant said that his neighbor was able to provide him with two screenshots of the female's vehicle driving down their street. The screenshots were date and time stamped. One screenshot was from September 19, 2019 at 0832 hours and the other was from September 19, 2019 at 0834 hours.

In viewing the screenshots I observed a newer white four door sedan. Based on the camera angle and video quality I was unable to observe a license plate number or determine the make or model of the vehicle. Furthermore I was unable to view the occupant of the vehicle at all. Gary later forwarded me copies of these screenshots that were later added to this case file for case inclusion.

Grant said that the previous day he had been at home when Nashua Assessor Gary Turgiss (DOB: [REDACTED]) showed up at his residence to assess the property because it had recently been sold. Grant said that in talking to Gary he asked him if they had previously sent someone out to take picture and Gary told him that they had not. Grant said that Gary left but came back and asked if the female had been driving a white sedan and Grant told him that she had been. Grant said Gary told him he though he knew who the female was and if she was who he thought she was then she did not have any issue with Grant but rather with Gary and the Nashua Assessing Department.

Based on Grants account of what happened it did not appear that a criminal offence had occurred regardless of who the female in the vehicle had been. With no further questions for Grant and with him not having any further information to provide me with the interview was ended at approximately 1210 hours. After the interview was complete Grant was escorted back to the front lobby of the Nashua Police Department where he was thanked for his time and I ended my contact with him.

A copy of this interview was saved on the Arbitrator software.

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NPD-LO-242

Nashua Police Department

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2019-10-31 0916HRS INFO RECEIVED REF 4 COVENTRY RD

Ref: 19-46336-OF

On November 1, 2019 at approximately 0830 hours I made contact with William MacDonald (DOB: [REDACTED]) of 6 Coventry Road. In speaking with MacDonald I asked him if he still had surveillance footage from September 19, 2019. MacDonald said that he would check with his brother-in-law, who set up his security cameras and get back to me. Later that day MacDonald informed me that his surveillance system recording did not go back that far. MacDonald was thanked for his time and ended my contact with him. With no other surveillance footage located in the area I was unable to determine who the white sedan is registered to.

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NPD-LO-243

Nashua Police Department

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2019-10-31 1140HRS INTERVIEW W/ GARY GRANT

Ref: 19-46336-OF

On November 1, 2019 at approximately 1235 hours I made contact with Nashua Assessor Gary Turgiss (DOB: [REDACTED]). In speaking with Gary I questioned him in reference to the conversation he had with Nashua resident, Gary Grant (DOB: [REDACTED]). Gary said he had been at Grant's residence of 4 Coventry Road to qualify the recent sale of the property. Gary said that in talking to Grant, Grant had asked if they had previously sent someone to his residence to take photographs. Gary told Grant that they had not. Grant told Gary that a female had shown up in September and mentioned something about assessing his property while taking photographs of it. Gary said initially he thought it could have been one of the building inspectors and did not think much of it.

Gary said that after he left Grant's residence he thought more about his conversation with Grant and realized that the person taking pictures could have been Laurie Ortolano (DOB: [REDACTED]). Gary said he went back and asked Grant to describe the female and the vehicle she drove. Gary said Grant described the female as white with short blond hair with glasses and said that she had been driving a white "Camry type car".

Gary said that he suspected this could have been Ortolano because his brother, Greg Turgiss (DOB: [REDACTED]) had previously informed him that he believed that Ortolano had been driving a white Audi when she had been following him while he was working. A DMV query had previously been conducted and did not list Ortolano or her husband as having any white four door sedans registered to either of them, Audi or otherwise.

With Gary not having any further information to provide me with and with no further questions for him at that time I thanked him for speaking with me and ended my contact with him.

DETECTIVE LOMBARDI D16

NPD-LO-245